



#3627
#4
DW

Practitioner's Docket No. 10240/001/34771

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert D. Boehlow
Application No.: 09 / 162,562 Group No.: 3627
Filed: September 29, 1998 Examiner: Barrett, Suzanne
For: KEYLESS DEADBOLT LOCK ENGAGING Lae Dino
DEVICE
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

JUN 25 2001

TO 3600 MAIL ROOM

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
— OFFICE ACTION NOT RECEIVED

NOTE: The Notice of October 25, 1993, 1156 O.G. 53, states (in part): "In order to minimize costs and burdens to the practitioner and the Office when an application has become abandoned due to a failure to receive an Office action, the Office is modifying the showing required to make a petition to withdraw the holding of abandonment grantable. The showing required to establish the failure to receive an Office action must consist of a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement."

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received.

2. I hereby state:

- (a) The Office Actions indicated, as mailed on 11/30/98 ^{and 09/13/99} (Date), ^{DATE} was not received.
(b) A search of the file jacket and the docket records in my office indicates that this Office Action was not received.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Sherry Roussin

(type or print name of person certifying)

Date: 6/15/01

Adjustment date: 06/20/2001
06/20/2001 SNINASS1 00000006 091
01 FC:122

WARNING: Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Petition to Withdraw Holding of Abandonment—Office Action Not Received [9-45]—page 1 of 2)

06/20/2001 SNINASS1 00000006 09162562

130.00 0P

06/20/2001

3. I attach a copy of the docket record where the non-received Office Action would have been entered had it been received and docketed. ("Exhibit C")

4. ☒ As additional evidence of non-receipt of the Office Action, I also attach:

Note: In the Notice of Oct. 25, 1993, 1156 O.G. 53, it is pointed out that evidence which previously was typically required included the following items, which petitioner can optionally submit.

☒ Copies of records that would disclose the receipt of other correspondence mailed from the PTO on or about the mail date of the non-received Office Action that fail to disclose the receipt of the Office Action mailed on that date. ("Exhibit E")

☒ Copies of records on which the Office Action would have been entered had it been received. ("Exhibit E")

☒ Statements from the person(s) who would have handled the Office Action had it been received. ("Exhibits A and B")

☒ Other: PAIR Status Sheet ^{for 09/162,562} ("Exhibit D")
PAIR Status Sheet 5,813,261 ("Exhibit F")

Last Page of Transmittal Letter for 09/162,562 ("Exhibit G")

5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

Note: As the Notice of Oct. 25, 1993, 1156 O.G. 53 points out: "Two additional procedures are available for reviving an application that has become abandoned due a failure to respond to an Office Action: (1) a petition based on unintentional abandonment or delay; and (2) a petition based on unavoidable delay. See Manual of Patent Examining Procedure § 711.03(c)."

6. The petition fee (37 C.F.R. § 1.17(h)—\$130.00) is paid as follows:

☒ Attached is a ☒ check ☐ money order in the amount of \$ 130.00

☐ Authorization is hereby made to charge the amount of \$ _____

☐ to Deposit Account No. _____

☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should *not* be included on this form as it may become public.

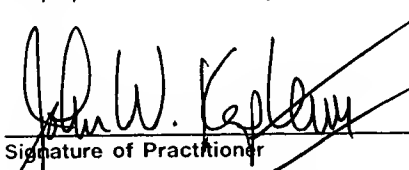
☐ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 30397

Tel. No.: (314) 727-7676

Customer No.: 23489


Signature of Practitioner

John W. Kepler III
(type or print name of practitioner)

7733 Forsyth Blvd., 12th Floor
P.O. Address

St. Louis MO 63105

EXHIBIT A

EXHIBIT A
STATEMENT OF JOHN W. KEPLER III

A Continuation Patent Application ("**Application**") was filed on September 29, 1998 and the return postcard was received in our office on October 9, 1998. A docket entry stating "09/29/98 - Continuation Application filed with PTO" was added to the docket entry ("**Exhibit C**") for U.S. Letters Patent No. 5,813,261 ("**Parent**").

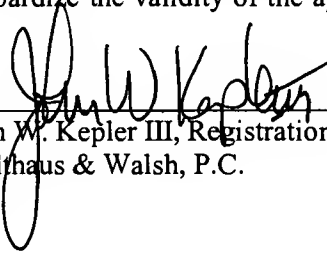
Yesterday, June 14, 2001, the applicant called and asked about this pending patent application. The United States Patent and Trademark Office ("**PTO**") PAIR system ("**PAIR**") was checked ("**Exhibit D**") and, for the first time, we became aware of the abandoned status of the Application. We contacted the applicant and discussed the abandonment.

According to Exhibit D, two Office Actions were mailed, on November 23, 1998 and the other on September 13, 1999. Our PTO Mail Log ("**Exhibit E**") shows that neither Office Action was received by our office. Our conclusion is based upon the system we use to handle the mail. All mail is opened by Sherry Roussin and the PTO mail log is maintained by Sherry Roussin. We checked the Mail Log for the two (2) weeks prior to and two (2) weeks after both the Office Action mailing dates of November 30, 1998 and September 13, 1999. The Office Actions mailed on 11/23/1998 and 09/13/1999 are not in the PTO Mail Log.

We checked the Correspondence Address in the file of the Parent at the time the Application was filed based upon the PTO records. In the Parent, a Correspondence Address Change was entered as of September 8, 1997 ("**Exhibit F**"). The date of this Correspondence Address Change is prior to the filing date of the Application. The Current Correspondence Address listed on PTOL-85B is our current address. The Issue Notification and U.S. Letters Patent No. 5,813,261 were sent to our current address. Therefore, prior to the filing date of the Application, the PTO had the correct Correspondence Address in its records.

If the Office Actions had been mailed to an incorrect correspondence address, then the mail would have been determined undeliverable and returned to the U.S. Patent and Trademark Office within ten (10) days by the U.S. Postal Service. If mail is returned to the U.S. Patent and Trademark Office, an Examiner should make a reasonable effort to find the current correspondence address of Applicant or Applicant's Representative (MPEP 707.13). We were never contacted by an Examiner who could have located the correct Correspondence Address in the file of the Parent. Finally, the last page of the Transmittal Letter accompanying the Application ("**Exhibit G**") shows the correct correspondence address.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: 
John W. Kepler III, Registration No. 30,397
Suelthaus & Walsh, P.C.

Date: June 15, 2001

EXHIBIT B

EXHIBIT B
STATEMENT OF SHERRY M. ROUSSIN

A Continuation Patent Application ("**Application**") was filed on September 29, 1998 and the return postcard was received in our office on October 9, 1998. A docket entry stating "09/29/98 - Continuation Application filed with PTO" was added to the docket entry ("**Exhibit C**") for U.S. Letters Patent No. 5,813,261 ("**Parent**").

Yesterday, June 14, 2001, the applicant called and asked about this pending patent application. The United States Patent and Trademark Office ("**PTO**") PAIR system ("**PAIR**") was checked ("**Exhibit D**") and, for the first time, we became aware of the abandoned status of the Application.

According to Exhibit D, two Office Actions were mailed, on November 23, 1998 and the other on September 13, 1999. Our PTO Mail Log ("**Exhibit E**") shows that neither Office Action was received by our office. Our conclusion is based upon the system we use to handle the mail. I open all PTO mail and I maintain the Mail Log. I checked the Mail Log for the two (2) weeks prior to and two (2) weeks after both the Office Action mailing dates of November 30, 1998 and September 13, 1999. The Office Actions mailed on 11/23/1998 and 09/13/1999 are not in the PTO Mail Log.

The Correspondence Address in the file of the Parent at the time the Application was filed based upon the PTO records was checked. In the Parent, a Correspondence Address Change was entered as of September 8, 1997 ("**Exhibit F**"). The date of this Correspondence Address Change is prior to the filing date of the Application. The Current Correspondence Address listed on PTOL-85B is our current address. The Issue Notification and U.S. Letters Patent No. 5,813,261 were sent to our current address. Therefore, prior to the filing date of the Application, the PTO had the correct Correspondence Address in its records.

If the Office Actions had been mailed to an incorrect correspondence address, then the mail would have been determined undeliverable and returned to the U.S. Patent and Trademark Office within ten (10) days by the U.S. Postal Service. If mail is returned to the U.S. Patent and Trademark Office, an Examiner should make a reasonable effort to find the current correspondence address of Applicant or Applicant's Representative (MPEP 707.13). I was never contacted by an Examiner who could have located the correct Correspondence Address in the file of the Parent. Finally, the last page of the Transmittal Letter accompanying the Application ("**Exhibit G**") shows the correct Correspondence Address.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: Sherry M. Roussin
Sherry M. Roussin
Suelthaus & Walsh, P.C.

Date: 6/15/2001

EXHIBIT C

Events Listing

Prof	Matter ID/Client Sort Matter Description	Reminder Date	Event Date	Notes
Professional:				
	10240-00001 / BOEHLW, PATENT - KEYLESS DEADBOLT LOCK ENGAGING	9/29/2001	9/29/2001	1st Maint Fee-34771 (5,813,261 Keyless Deadbolt Lock Engaging Device) 10/31/96 - Filing Date 12/23/97 - PT-OA(6-3rd ext)/filed 02/17/98 - IDS filed with PTO 02/06/98 - Notification of Change Due to PTO Move and Consolidation received from PTO 06/15/98 - Issue Fee paid and Formal Drawings filed 09/29/98 - Issue Date (5,813,261) 09/29/98 - Continuation Application filed with PTO 09/29/01-09/29/02 - 1st Maintenance Fee Due 09/29/06-09/29/07 - 2nd Maintenance Fee Due 09/29/09-09/29/10 - 3rd Maintenance Fee Due

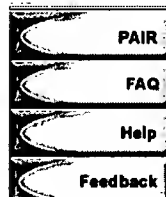
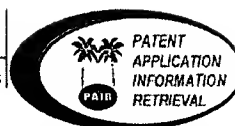
EXHIBIT D



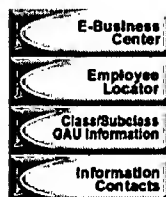
UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT APPLICATION INFORMATION RETRIEVAL



Other Links



Search results for application number: 09/162,562		
Application Filing Date:	09-29-1998	Class / Sub-Class: 070/379.000
Issue Date of Patent:	-	Location: FILE REPOSITORY (703) 924-9309
Examiner Name:	BARRETT, SUZANNE LALE DINO	Status: ABANDONED FILE - FAILURE TO RESPOND
Group Art Unit:	3627	Attorney Docket Number: 10240/001/34
Earliest Publication No:	-	Patent Number: -
Earliest Publication Date:	-	Customer Number: 23489
Confirmation Number:	8987	

File Contents History		
Number	Date	Contents Description
8	09-13-1999	MAIL DATE OF OFFICE ACTION
7	09-13-1999	COUNT DATE-ABANDONMENT FOR FAILURE TO RESPOND TO OFFICE ACTION
6	11-30-1998	MAIL DATE OF OFFICE ACTION
5	11-23-1998	COUNT DATE-NON-FINAL ACTION
4	10-21-1998	DATE CASE WAS DOCKETED
3	10-14-1998	APPLICATION DISPATCHED FROM PRE-EXAM
2	10-08-1998	APPLICATION SCANNED
1	10-02-1998	INITIAL EXAM TEAM XX

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EXHIBIT E

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 11/9/98 (Date)

Name of Office: John W Kepler Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th Floor Clayton MO 63105

App./PCT/Re.	Subject Matter of Letter	Term set for Response
1. 75/413787	TM-OA	5-9-99
2. 08/852,518	return p/c submission of drawings for examiner approval	N/A
3.		
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I, Sherry Roussin, hereby state that, on the date shown above,
(type name of declarant)

I collected and opened all mail received from the U.S. PTO that was addressed to our office at the address shown above, and entered the information shown on the above Log. To my knowledge, no other mail was received on this date from the PTO.

☒ Because I am not a person registered to practice before the Office, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under SECTION 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 11/17/98 (Date)

Name of Office: John W Kepler Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th Floor Clayton MO 63105

App./PCT/Re.	Subject Matter of Letter	Term set for Response
1. 1,790,934	return pic from 8+15	2/9
2.		
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I, Sherry Roussin
(type name of declarant)

, hereby state that, on the date shown above,
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these statements were made with the knowledge that willful false statements and
the like so made are punishable by fine or imprisonment, or both, under SECTION
1001 of Title 18 of the United States Code, and that such willful false statements
may jeopardize the validity of the application or any patent issuing thereon.

Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 11/18/98 (Date)

Name of Office: John W Kepler Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th Floor Clayton MO 63105

App/PCT/Re.	Subject Matter of Letter	Term set for Response
1. <u>CG/187555</u>	<u>return p/c from pt</u>	<u>app n/k</u>
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I, Sherry Roussin, hereby state that, on the date shown above,
(type name of declarant)

I collected and opened all mail received from the U.S. PTO that was addressed to our office at the address shown above, and entered the information shown on the above Log. To my knowledge, no other mail was received on this date from the PTO.

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 11/19/98 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.

Subject Matter of Letter

Term set for Response

1. No PTO mail received today
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I, Sherry Roussin, hereby state that, on the date shown above,
(type name of declarant)

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 11/20/98 (Date)

Name of Office: John W Kepler Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th Floor Clayton MO 63105

App/PCT/Re.	Subject Matter of Letter	Term set for Response
1. 75/198963	T.M.O.T	5-16 99
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I, Sherry Roussin, hereby state that, on the date shown above,
(type name of declarant)

I collected and opened all mail received from the U.S. PTO that was addressed to our office at the address shown above, and entered the information shown on the above Log. To my knowledge, no other mail was received on this date from the PTO.

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 11/23/98 (Date)

Name of Office: John W Kepler Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th Floor Clayton MO 63105

App./PCT/Re.	Subject Matter of Letter	Term set for Response
1. 1,759,258	8+15 acceptance acknowledgment	N/A
2. 1,700,762	8+15 acceptance + acknowledgment	N/A
3. 75/315704	Notice of allowance	5/10/99
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(type name of declarant)

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 11/24/98 (Date)

Name of Office: John W Kepler Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th Floor Clayton MO 63105

App/PCT/Re.	Subject Matter of Letter	Term set for Response
1. Opp # 103,329	return pk w/drawal of notice of opp	N/A
2. Opp # 108,487	return pk w/drawal of notice of opp	N/A
3.		
4. 75/298825	TM-OA	5/10/99
5. PCT/US98/08237	PCT Notice	
6. PTO Deposit Account Statement		N/A
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I, Sherry Roussin, hereby state that, on the date shown above,
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Sherry Roussin

Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 11/25/98 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.

Subject Matter of Letter

Term set for Response

1. No PTO mail received today
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I, Sherry Roussin, hereby state that, on the date shown above,
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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 11/26/98 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.	Subject Matter of Letter	Term set for Response
1. No PTO mail received today		
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Thanksgiving - no mail delivery

I, Sherry Roussin, hereby state that, on the date shown above,
(type name of declarant)

I collected and opened all mail received from the U.S. PTO that was addressed to our office at the address shown above, and entered the information shown on the above Log. To my knowledge, no other mail was received on this date from the PTO.

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 11/27/98 (Date)

Name of Office: John W Kepler Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th Floor Clayton MO 63105

App./PCT/Re.	Subject Matter of Letter	Term set for Response
1. 09/187,555	Filing Receipt	N/A
2. 75/560,316	Filing Receipt	N/A
3. 75/584,891	Return p/c TM app	N/A
4. 75/584,890	Return p/c TM app	N/A
5. 75/584,885	Return p/c TM app	N/A
6. 1,804,721	Return p/c Petition for cancellation	N/A
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I, Sherry Roussin, hereby state that, on the date shown above,
(type name of declarant)

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 11/30/98 (Date)

Name of Office: Suelthaus & Walsh JWK

Address of Office: 1133 Forsyth St Louis MO 63105

App./PCT/Re.	Subject Matter of Letter	Term set for Response
1. 5352403	notice of Patent Expiration	N/A
2. 4960257	notice of Patent Expiration	N/A

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I, Sherry Roussin, hereby state that, on the date shown above,
(type name of declarant)

I collected and opened all mail received from the U.S. PTO that was addressed to our office at the address shown above, and entered the information shown on the above Log. To my knowledge, no other mail was received on this date from the PTO.

☒ Because I am not a person registered to practice before the Office, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under SECTION 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 7/1/98 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App./PCT/Re.

Subject Matter of Letter

Term set for Response

1. No PTO mail received today
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I, Sherry Roussin, hereby state that, on the date shown above,
(type name of declarant)

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 12/2/98 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.

Subject Matter of Letter

Term set for Response

1. No PTO mail received today
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(type name of declarant)

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 12/3/98 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.	Subject Matter of Letter	Term set for Response
1. No PTO mail received today		
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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 12/4/98 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh
 Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.	Subject Matter of Letter	Term set for Response
1. No PTO mail received today		
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Sherry Roussin

Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 12/7/98 (Date)

Name of Office: John W Kepler Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th Floor Clayton MO 63105

App./PCT/Re.	Subject Matter of Letter	Term set for Response
1. 75/488,798	Notice of Publication	02/15/27/98
2. 75/336497	TM-OA	02/30 5-30-99
3. 75/590068	return pk SM app	N/A
4. 75/590069	return plc TM app	N/A
5. 75/590070	return plc TM app	N/A
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(type name of declarant)

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 12/8/98 (Date)

Name of Office: John W Kepler Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th Floor Clayton MO 63105

App/PCT/Re.	Subject Matter of Letter	Term set for Response
1. 07/898,898	PT-0A (Final)	3-4-99 3-4-99 w/o ext 6-4-99 w/ exts.
2. 75/298826	return pc from copies of letter sent	n/a
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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 12/9/98 (Date)

Name of Office: John W Kepler Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th Floor Clayton MO 63105

App./PCT/Re.	Subject Matter of Letter	Term set for Response
1. <u>no PTO mail rec'd today</u>		
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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 12/10/98 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.

Subject Matter of Letter

Term set for Response

1. No PTO mail received today
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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 8/12/11/98 (Date)

Name of Office: John W Kepler Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th Floor Clayton MO 63105

	App./PCT/Re.	Subject Matter of Letter	Term set for Response
1.	60/110688	Return PC from prior app filing	1/9
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I, Sherry Roussin, hereby state that, on the date shown above,
(type name of declarant)

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 12/12/98 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App./PCT/Re.	Subject Matter of Letter	Term set for Response
1. No PTO mail received today		
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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 12/14/98 (Date)

Name of Office: John W Kepler Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th Floor Clayton MO 63105

App/PCT/Re.	Subject Matter of Letter	Term set for Response
1. 60/103,736	Initial Receipt	N/A
2. 08/852,518	PTOA	3-8-99 w/o ext 6/8/99 w/ext
3. 08/721,726	return p/c from Prosec Fee Pymt	N/A
4. 5410299	maint fee reminder	4-25-99
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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 8/31/99 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.

Subject Matter of Letter

Term set for Response

1. No PTO mail received today
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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/1/99 (Date)

Name of Office: John W Kepler III / Suelthaus & Walsh P.C.

Address of Office: 7733 Forsyth Blvd. 12th Fl, St. Louis, MO. 63105

App./PCT/Re.	Subject Matter of Letter (computer)	Term set for Response
1. 09/378429	return plc PTapp	N/A
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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/2/99 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.

Subject Matter of Letter

Term set for Response

1. No PTO mail received today
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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/3/99 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.

Subject Matter of Letter

Term set for Response

1. No PTO mail received today
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Sherry Roussin

Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/16/99 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.

Subject Matter of Letter

Term set for Response

1. No PTO mail received today

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/7/99 (Date)

Name of Office: John W Kepler III / Suelthaus & Walsh P.C.

Address of Office: 7733 Forsyth Blvd. 12th Fl, St. Louis, Mo. 63105

App./PCT/Re.	Subject Matter of Letter (US Discount)	Term set for Response
1. 75/251,797	return plc Rgst. EXT. Time	N/A
2. 09/383,910	return plc PT-App (streamsearch)	N/A
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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/8/99 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.

Subject Matter of Letter

Term set for Response

1. No PTO mail received today
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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9-9-99 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.

Subject Matter of Letter

Term set for Response

1. No PTO mail received today
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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9-10-99 (Date)

Name of Office: John W Kepler III / Suelthaus & Walsh P.C.

Address of Office: 7733 Forsyth Blvd. 12th Fl, St. Louis, MO. 63105

App./PCT/Re.	Subject Matter of Letter	Term set for Response
1. 09/360,346	Filing Receipt ^(Rx)	N/A
2. 75/673564	Ex. Amend ^(PA Premier)	N/A
3. 75/673562	Ex. Amend ^(PB Design)	N/A
4. 75/673563	Ex. Amend ^(Premier bank)	N/A
5. 09/374218	Filing Receipt ^(McCracken)	N/A
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(type name of declarant)

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/13/99 (Date)

Name of Office: John W Kepler III / Suelthaus & Walsh P.C.

Address of Office: 7733 Forsyth Blvd. 12th Fl, St. Louis, MO. 63105

App./PCT/Re.	Subject Matter of Letter	Term set for Response
1. 09/173,992	return plc IDS (Maden)	N/A
2. 5497824	return plc Maint Fee (Rouff)	N/A
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(type name of declarant)

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☒ Because I am not a person registered to practice before the Office, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under SECTION 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/14/99 (Date)

Name of Office: John W Kepler III / Suelthaus & Walsh P.C.

Address of Office: 7733 Forsyth Blvd. 12th Fl. St. Louis, MO. 63105

App/PCT/Re.	Subject Matter of Letter	Term set for Response
1. 75/789629	return pic TM SM App (Planet Audio)	N/A
2. 08/761,801	PT-OA (FWE)	12/9/99 w/o ext 3/9/00 w/ext
3.		
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I, Sherry Roussin, hereby state that, on the date shown above,
(type name of declarant)

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/15/99 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.

Subject Matter of Letter

Term set for Response

1. No PTO mail received today
- 2.
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- 10.

I, Sherry Roussin, hereby state that, on the date shown above,
(type name of declarant)

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/16/99 (Date)

Name of Office: John W Kepler III / Suelthaus & Walsh P.C.
Address of Office: 7733 Forsyth Blvd. 12th Fl. St. Louis, Mo. 63105

App./PCT/Re.	Subject Matter of Letter	Term set for Response
1. 08/906,082	Issue Notification ^(Explan)	9-21-99
2. PTO Deposit Acct Stmt.		N/A
3. 09/378,429	Filing Receipt ^(Veris)	N/A
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(type name of declarant)

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/20/99 (Date)

Name of Office: John W Kepler III / Suelthaus & Walsh P.C.

Address of Office: 7733 Forsyth Blvd. 12th Fl. St. Louis, Mo. 63105

App./PCT/Re.	Subject Matter of Letter	Term set for Response
1. 1824108	8+15 acknowledgment (Hitech VST)	N/A
2. 1809640	8+15 acknowledgment (PAI)	N/A
3. 09/383,910	Filing Receipt	N/A
4. 75/673564	Ex. Amend.	N/A
5. 09/303,889	return p/c. (McMahon) Complete File	N/A
6. 09/303,889	Filing Receipt (McMahon) Require	N/A
7. 5,497,824	Maint fee Stmt	N/A

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I, Sherry Roussin, hereby state that, on the date shown above,
(type name of declarant)

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/17/99 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.

Subject Matter of Letter

Term set for Response

1. No PTO mail received today
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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/21/99 (Date)

Name of Office: John W Kepler III / Suelthaus & Walsh P.C.

Address of Office: 7733 Forsyth Blvd. 12th Fl, St. Louis, MO. 63105

App./PCT/Re.	Subject Matter of Letter	Term set for Response
1. 09/173,992	^{Final} PT-OA (Mader)	12-16-99 ^{w/o} ext 3-16-00 ^{w/ext}
2. 09/187,555	PT-OA (Anchor)	12-17-99 ^{w/o} ext 3-17-00 ^{w/ext}
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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/22/99 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.

Subject Matter of Letter

Term set for Response

1. No PTO mail received today
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- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/23/99 (Date)

Name of Office: John W Kepler III Suelthaus & Walsh

Address of Office: 7733 Forsyth Blvd 12th floor Clayton MO 63105

App/PCT/Re.

Subject Matter of Letter

Term set for Response

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- 2.
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- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/64/99 (Date)

Name of Office: John W Kepler III / Suelthaus & Walsh P.C.

Address of Office: 7733 Forsyth Blvd. 12th Fl, St. Louis, MO. 63105

App./PCT/Re.	Subject Matter of Letter	Term set for Response
1. 75/520,316	Return plc ^(Weekends) TM-O. A. Schly	N/A
2. 75/798,196	Return plc ^(New Frontier) TM App	N/A
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Sherry Roussin
Signature of declarant

☐ Plus added page(s) _____

RECEIPT OF PTO MAIL LOG

RECEIPT OF PTO MAIL LOG FOR 9/27/99 (Date)

Name of Office: John W Kepler III / Suelthaus & Walsh P.C.
 Address of Office: 7733 Forsyth Blvd. 12th Fl, St. Louis, Mo. 63105

App/PCT/Re.	Subject Matter of Letter	Term set for Response
1. 08/649,885	PT-OA (Defuse)	12/23/99 ^{w/o} _{ext} 1/23/00 w/ext
2. 08/056,060	return p/c (Defuse)	N/A
3. 75/696,782	TM-OA (Ingenuity)	3/22/00
4. 75/696,781	TM-OA (Ingenuity)	3/22/00
5. 75/428,562	Notice of Recodation ^(HHT) of Assign	N/A
6. 75/744,326	Filing Receipt (Doughmakers)	N/A
7. 5953,886	US Pat App (Anchor)	9-21-02
8.		
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Sherry Roussin
 Signature of declarant

☐ Plus added page(s) _____

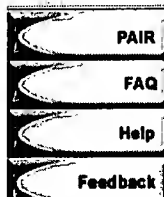
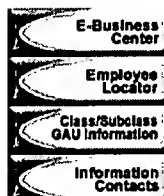
EXHIBIT F



UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT APPLICATION INFORMATION RETRIEVAL

Other
Links

Search results for patent number: 5,813,261

Application Number:	08/742,133	Class / Sub-Class:	070/379.00R
Application Filing Date:	10-31-1996	Location:	FILE REPOSITORY (703) 924-9309
Issue Date of Patent:	09-29-1998	Status:	PATENTED FILE
Examiner Name:	BARRETT, SUZANNE LALE DINO	Group Art Unit:	3627
Earliest Publication No:		Attorney Docket Number:	01B147/89-00
Earliest Publication Date:		Customer Number:	
Confirmation Number:	2039		

Web Patent Database

Retrieve Maint. Fees to Pay

View Maint. Payment Windows

Payment Window: 4

View Maint. Statement

Maintenance Fees Available: Mon-Fri 5:30 AM to Midnight, Sat-Sun-Hol. 7:30 AM to 8:00 PM EST

File Contents History

Number	Date	Contents Description
20	09-29-1998	PATENT GRANT MAILED
19	08-24-1998	WEEKLY PATENT ISSUE RECEIPT
18	06-18-1998	BASE ISSUE FEE PAYMENT
17	07-22-1998	DRAWINGS PROCESS COMPLETED FOR DRAWING SET NUMBER 1.
16	07-22-1998	DRAWINGS MATCHED TO APPLICATION, 1=DRAWING SET NUMBER.
15	07-07-1998	APPL RECEIVED IN DRAWING PROCESS DIV FOR FILING OF DRAWINGS.
14	06-22-1998	APPL ORDERED FROM DRAWING PROCESS DIV FOR FILING OF DRAWINGS
13	06-22-1998	DRAWINGS RECEIVED IN DPD, 1=DRAWING SET NUMBER
12	06-18-1998	MAIL ROOM DATE OF DRAWING, 1=DRAWING SET NUMBER.
11	03-13-1998	NOTICE OF ALLOWANCE PRINT
10	03-13-1998	COUNT DATE-NOTICE OF ALLOWANCE
9	01-27-1998	DATE FORWARDED TO EXAMINER
8	12-29-1997	RESPONSE AFTER NON-FINAL ACTION
7	12-29-1997	FIRST REQUEST FOR EXTENSION OF TIME GRANTED (INCLUDING TO FILE BRIEF)
6	09-08-1997	CORRESPONDENCE ADDRESS CHANGE - ONLY
5	06-23-1997	MAIL DATE OF OFFICE ACTION
4	06-19-1997	COUNT DATE-NON-FINAL ACTION
3	02-25-1997	DATE CASE WAS DOCKETED
2	01-21-1997	MICROFILM RECORD CAPTURED OF APPLICATION
1	11-22-1996	INITIAL EXAM TEAM XX

[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM STATUS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

EXHIBIT G

16. Instructions as to Overpayment

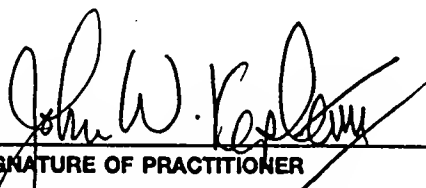
NOTE: "... Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- ☐ Credit Account No. _____
☒ Refund

Reg. No. 30397

Tel. No. (314) 727-7676

Customer No.



SIGNATURE OF PRACTITIONER
John W. Kepler III

(type or print name of attorney)
7733 Forsyth Blvd 12th Floor

P.O. Address
St Louis MO 63105



UNITED STATES PATENT & TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR
INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE
Washington, D.C. 20231

JUL 31 2001

John W. Kepler, III
7733 Forsyth Blvd., 12th Floor
St. Louis, MO 63105

In re application of
Robert D. Boehlow
Application No. 09/162,562
Filed: September 29, 1998
For: KEYLESS DEADBOLT LOCK
ENGAGING DEVICE

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

MAILED

JUL 31 2001

Office of the Director
Group 3600

This is in reply to applicant's petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO) on June 18, 2001. There is no fee for this petition.

The petition is **DISMISSED**.

A review of the file record indicates that the application was held abandoned for failure to timely respond to the Office action dated November 30, 1998.

The applicant requests that the abandonment be withdrawn on the grounds that the applicant never received the Office action due to an error by the USPTO in mailing the Office action to an improper mailing address. Applicant asserts that a change of address was submitted and entered into the parent application and that correspondence mailed from USPTO was previously sent to the correct mailing address.

A review of the file reveals that the correspondence address listed in the original declaration of this application (a copy of that originally filed in parent application 08/742,133) was at 721 Emerson. This was the correspondence address of record. Although a change of address has been updated in the parent application, it is not the responsibility of USPTO to ensure that the address is updated in all subsequent applications. Because the applicant did not follow through and submit the address change for application 09/162,562, prior to the mailing of the Office action dated November 30, 1998, the Office action was mailed to the correct address of record. While it is customary for the USPTO to attempt to locate the correct mailing address of a correspondence returned as undeliverable, the failure on the Office to successfully do so does not eliminate applicant's responsibility to timely file a change of correspondence address.

Given that the applicant failed to change the correspondence address it is not surprising that the applicant failed to receive the Office action. Indeed it is currently in the file; returned as undeliverable. While MPEP 711.03(c) does give an applicant the ability to petition to show that a communication from the Patent Office was not received, this is predicated on the fact that applicant was at the correspondence address to receive the communication. MPEP 711.03(c) also requires an applicant to show that "due care was taken to adhere to the requirement for prompt notification in each concerned application for the change of address". Clearly applicant was at a new address since at least late 1998. Since applicant was apparently not at the

#5
DW

Given to
Applicant
3/13/01
So no
could be
2001

address of record, and the Office action was correctly mailed to the address of record, the procedure outlined in 1156 OG 53 is not available to the applicant and the alleged showing of non-receipt of the Notice of Allowance is not persuasive to withdraw the holding of abandonment in this application.

It is noted that there remains no change of address in this application. This decision will be mailed to the address of the attorney of record as listed on the petition but the official correspondence address of record will remain as listed on the declaration as filed.

The unnecessary \$130.00 petition fee for the above petition will be refunded to the applicant under separate cover.

Applicant may wish to consider filing a petition to revive under 37 CFR 1.137(a) (unavoidable delay) or 37 CFR 1.137(b) (unintentional delay) as discussed below.

I. Unavoidable Delay.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: (1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute; (2) the petition fee required by 37 CFR 1.17(l); and (3) an adequate showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.

The showing requirement can be met by submission of statements of fact establishing that the delay in filing the reply was unavoidable. This includes a satisfactory showing that the cause of the delay resulting in failure to reply in a timely fashion to the Office action was unavoidable. Diligence during the time period between abandonment and filing of the petition to revive must also be shown.

As an alternative to filing a petition for unavoidable abandonment, a petition for revival of an application abandoned unintentionally under 37 CFR 1.137(b) might be appropriate.

II. Unintentional Delay.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute; (2) the petition fee required by 37 CFR 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The petition fee required by law for filing a petition under unavoidable standard is \$110. The fee for a petition under the unintentional standard is \$1,240. If applicant has, or can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated.

If not previously filed, the reply to the outstanding Office action must accompany the petition to revive.

The required items should be promptly submitted under a cover letter entitled "Petition to Revive".

Further correspondence with respect to a petition to revive should be addressed as follows:

By mail: Deputy Commissioner of Patent Examination Policy
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By Hand: Crystal Plaza 4, Suite 3C23
2201 South Clark Place
Arlington, VA 22202

Telephone inquiries should be directed to the Office of Petitions Staff at (703) 305-9282.

Telephone inquiries relative to this decision should be directed to Special Programs Examiner Steven Meyers at (703) 308-3868.

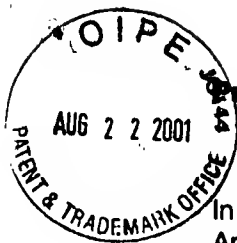


Al Lawrence Smith, Director
Patent Technology Center 3600
(703) 308-1020
Facsimile No.: (703) 306-4597

SM/dc: 7/30/01

SM

3627
#6
DW



Practitioner's Docket No. 10240/001/34771

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Boehlow, Robert D.
Application No.: 09/162,562 Group No.: 3627
Filed: September 29, 1998 Examiner: Suzanne Dino Barrett
For: Keyless Deadbolt Lock Engaging Device

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION: Director, Group 3600

REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. § 10.40(c))

NOTE: If a period has been set for response and the period may be extended without a showing of cause pursuant to 37 C.F.R. § 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed. M.P.E.P. § 402.06, 7th ed.

APPROVED

AUG 31 2001

Al Lawrence Smith
Group 3600

RECEIVED

AUG 24 2001

TO 3600 MAIL ROOM

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

John W. Kepler, III
(type or print name of person certifying)

Date: August 20, 2001

REQUEST FOR PERMISSION TO WITHDRAW

1. I, an attorney signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. § 1.36.

(complete the following item, if appropriate)

- ☐ Because the amendment referred to in item 4A(iii) below is a continuing application signed only by an attorney named below under

☐ 37 C.F.R. § 1.60(b),

☐ 37 C.F.R. § 1.62(c),

this withdrawal request is also for such continuing application.

LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

☒ inventor(s)

☐ assignee of the entire interest

Is 1463 Scenic Drive, Herculaneum, Missouri 63048-1554

BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c) §(§) _____.

Explanation (including brief description of exhibits, if any):

The practitioner is discharged by the client.

ALLOWANCE OF TIME FOR CLIENT TO ACT

4. Status of this Application

A. Response due (if any)

- (i) ☒ There is no outstanding term for response.
- (ii) ☐ There is an outstanding term for response that is set to expire on _____.
The above term is extendible under 37 C.F.R. § 1.136(a), until _____ and the fees for such extension
- ☐ are
- ☐ are not

being submitted herewith.

(complete the following, if applicable)

- (iii) ☐ Also submitted herewith, is a response to the outstanding Official Action.

B. Time Left for Response

Therefore, the amount of time for response, including extension under 37 C.F.R. § 1.136(a), is:

- ☐ at least _____.
- ☐ cannot be calculated because this case is/will now be awaiting action by the PTO.

NOTIFICATION OF CLIENT

5. In accordance with 37 C.F.R. § 10.40(a), a copy of this request, including attachments, is being sent to the client.

A copy of the letter to the client is attached.

NOTE: A practitioner shall not withdraw from employment without giving due notice to his or her client. 37 C.F.R. § 10.40(a).

NUMBER OF COPIES OF REQUEST

6. This request is enclosed in triplicate.

NOTE: "To expedite the handling of request for permission to withdraw as attorney under 37 C.F.R. § 1.36 submit the request in triplicate (original and two copies. . ." Notice of September 3, 1985 (1058 O.G. 32).

7. Related Applications for Which Withdrawal Is Requested

Withdrawal also is (has been) requested in the following related applications of the:

(check all applicable items)

- ☐ Inventor:
☐ assignee:
☐ common representative:

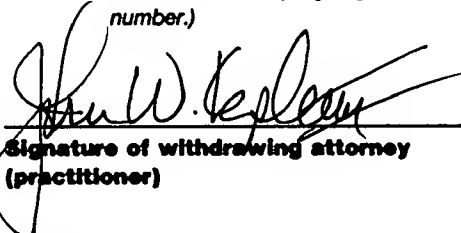
<u>Application Number</u>	<u>Group</u>	<u>Status of Withdrawal request</u>
<u>/</u>	<u> </u>	<u> </u>
<u>/</u>	<u> </u>	<u> </u>
<u>/</u>	<u> </u>	<u> </u>

SIGNATURE(S) OF WITHDRAWING ATTORNEY(S) (PRACTITIONER(S))

NOTE: Each attorney of record must sign the notice of withdrawal or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another. M.P.E.P. § 402.06, 6th ed., rev. 3.

8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)

(list all the attorneys, and registration numbers, appearing on declaration or power, as appropriate. An authorized attorney signing on behalf of a withdrawing attorney should also show his or her registration number.)



**Signature of withdrawing attorney
(practitioner)**

*(type or print name of withdrawing
attorney (practitioner) and registration number)*

John W. Kepler, III #30397

Reg. No.: 30397

Tel. No.: (314) 727-7676

Customer No.: 23489


SIGNATURE OF PRACTITIONER

John W. Kepler, III
(type or print name of practitioner)

7733 Forsyth Blvd., 12th Flr.
P.O. Address

Clayton, Missouri 63105